

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

Michael A. Bacon,

Plaintiff,

v.

Jacob Barker, et al.

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

Case No. 2:21-cv-760 HCN DBP

Judge Howard C. Nielson, Jr.  
Chief Magistrate Judge Dustin B. Pead

---

Plaintiff, who is proceeding pro se, asks the court to appoint counsel. (ECF No. 51.)

Plaintiff notes he is going to be sent to a different federal facility so it will be difficult to receive mail. Thus, it is “easier to have an attorney help.” Mtn. p. 1. This is not a sufficient reason for the appointment of counsel.

Plaintiff has already requested the appointment of counsel three prior times and each time has failed to meet the burden to “convince the court that there is sufficient merit to his claim to warrant the appointment of counsel.” *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). Nothing has changed and Plaintiff still fails to meet this burden.

Accordingly, Plaintiff’s third motion for counsel is DENIED.

IT IS SO ORDERED.

DATED this 12 July 2023.



---

Dustin B. Pead  
United States Magistrate Judge